

ADJOURNMENT

On motion of Senator Aikin the Senate at 10:02 o'clock a.m. adjourned until 10:30 o'clock a.m. today.

SIXTY-SEVENTH DAY

(Thursday, May 3, 1973)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

A quorum was announced present.

The Reverend Ray Chester, Pastor, Brentwood Church of Christ, Austin, Texas, offered the invocation as follows:

Our Father, in the midst of all the traffic of our busy days we are grateful for this brief sanctuary of the spirit. May it not be a mere gesture to convention but a real experience for each one as we call upon Thee for guidance and help. Be to each of us a life-giving presence, a sustaining power, a refuge from the confusion and tumult of our times. Give us the long view of our work and world. Help us to see it is better to fail in a cause that will ultimately succeed than to succeed in a cause that will ultimately fail. Teach us how to work and then to wait. Through Jesus Christ our Lord. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following reports for the Committee on Human Resources:

S.B. 370
C.S.S.B. 369 (Read first time)

Nomination of Lynn Darden and Paul Leonard to be Members of Texas Board of Mental Health and Mental Retardation.

Senator Moore submitted the following reports for the Committee on State Affairs:

C.S.S.B. 891 (Read first time)
S.B. 729
C.S.S.B. 904 (Read first time)
S.B. 939

S.B. 901
S.J.R. 37

Senator Sherman submitted the following reports for the Committee on Natural Resources:

S.B. 945 (Amended)
S.B. 916 (Amended)
S.B. 302 (Amended)
S.B. 946 (Amended)

Senator Aikin submitted the following reports for the Committee on Finance:

S.B. 910
C.S.H.B. 139 (Read first time)

Senator Mauzy submitted the following reports for the Committee on Education:

C.S.S.B. 732 (Read first time)
C.S.S.B. 803 (Read first time)
C.S.S.B. 358 (Read first time)
S.B. 357
C.S.S.B. 356 (Read first time)
H.B. 91 (Amended)
C.S.H.B. 371 (Read first time)

Nomination of A. J. Kemp, Fred Bucy, and Judson F. Williams to be Members of Board of Regents for Texas Tech.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, May 3, 1973

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 46, Expressing the support of the Texas Legislature for the Reserve Officers Training Corps.

H.C.R. 53, Memorializing the Congress of the United States of America to pass legislation creating a Big Thicket National Park.

H.C.R. 59, Requesting the Texas Department of Public Safety to assist the Texas Highway Department in pinpointing locations of litter and debris to further the anti-litter campaign.

H.C.R. 60, Resolving that the 63rd Legislature express its desire that state-operated, public camping facilities be established within convenient proximity to the city of Austin, our state capital, and preferably with frontage on the Colorado River for the benefit and use of visitors and tourists who wish to camp there.

H.C.R. 73, Proclaiming "Drive Friendly" to be the official traffic safety slogan of the State of Texas.

H.C.R. 74, Memorializing the Congress of the United States to enact the Retirement Income Security for Employees Act of 1973.

H.C.R. 76, Memorializing Congress and the Veterans Administration to locate a V.A. Hospital or Recuperation Center in Weslaco.

H.C.R. 77, Requesting the State Board of Education to revise the Board's rules and regulations and to implement and expand vocational education programs in public schools to make career awareness exploration and occupational skill development experiences available to all secondary and junior high school students.

H.C.R. 80, Memorializing the Congress of the United States to take immediate action to reverse the recently issued regulations of the Department of Health, Education, and Welfare which prohibit the use of privately-donated funds as the state share to be matched with federal funds to provide for social service programs.

H.C.R. 82, Recognizing El Paso as a Medical Center City.

H.C.R. 103, Requesting the Texas Railroad Commission to give high priority to the solution of the energy crisis for the state of Texas.

H.C.R. 113, Commemorating the chartering of the city of Richardson on June 26, 1873.

H.C.R. 121, Creating a joint Meat Market Study Committee.

H.C.R. 126, Requesting "unfreezing" of funds appropriated by Congress to Farmers Home Administration for grants for rural water and sewer systems.

S.B. 376, A bill to be entitled An Act relating to multi-peril policies of insurance; amending Chapter 5, Insurance Code, by adding a new Subchapter I; and declaring an emergency.

H.B. 574, A bill to be entitled An Act relating to the creation, power, duties, financing, and procedure of the Texas Ranch Commission; and declaring an emergency.

H.B. 617, A bill to be entitled An Act relating to the exemption from forced sale of a homestead, a lot held for purpose of sepulchre, or personal property; amending Article 3833, as amended, Article 3835, and Article 3836, Revised Civil Statutes of Texas, 1926; repealing Article 3832, Revised Civil Statutes of Texas, 1925, as amended, and Section 1, Chapter 43, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 3832a, Vernon's Texas Civil Statutes); and declaring an emergency.

The House appointed the following as conferees on House Bill 206: Ragsdale, Chairman; Johnson, Reynolds, Semos and Gaston.

S.C.R. 44 was laid on the table subject to call on May 2, 1973.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

BILL SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bill:

H.B. 94

SENATE CONCURRENT RESOLUTION 93

Senator Wolff offered the following resolution:

S.C.R. 93, Amending H.C.R. 11 of the Sixty-Third Legislature.

On motion of Senator Wolff and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE CONCURRENT RESOLUTION 94

Senator Herring offered the following resolution:

S.C.R. 94, Recommending that the Texas Education Agency recognize practical experience as a substitute for formal education requirement for instructions of practical arts in post-secondary craft and industrial training programs.

On motion of Senator Herring and by unanimous consent, the resolution was considered immediately and was adopted.

MESSAGES FROM GOVERNOR

The following Messages from the Governor were read and referred to the Committee indicated:

Austin, Texas
May 3, 1973

TO THE SENATE OF THE SIXTY-THIRD LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a Member of the Texas Board of Corrections: For a six-year term to expire February 2, 1979; Dr. Robert Bacon of Houston, Harris County, to replace Mr. John S. Justin of Fort Worth, Tarrant County, whose term expired.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

To Committee on State Affairs, Sub-Committee on Nominations.

Austin, Texas
May 3, 1973

TO THE SENATE OF THE SIXTY-THIRD LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a Member of the Board of Regents of Texas Southern University: For a six-year term to expire February 1, 1979: Mr. Judson W. Robinson, Jr. of Houston, Harris County, to replace Mr. M. J. Anderson of Austin, Travis County, whose term expired.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

To Committee on Education.

COMMUNICATION TO GOVERNOR

The following communication to the Governor was read:

May 3, 1973

The Honorable Dolph Briscoe
Governor of Texas
State Capitol Building
Austin, Texas 78711

Dear Governor Briscoe:

During the meeting yesterday of the Senate Sub-Committee on Nominations, the decision was made by the Committee to return to you the appointment of Eugene P. Schoch, Jr., M.D., as a member of the Hospital Licensing Advisory Council. Dr. Schoch was appointed as a member of this Council on January 4, 1973, and resigned on January 8, 1973, never having taken an Oath of Office. Enclosed is a copy of his letter of resignation.

Also, the Committee is returning to you the appointment of Mr. Morris Scott Verner, III, of Brownsville, Cameron County, as a member of the Rio Grande Valley Municipal Water Authority, which was submitted to the Senate on January 11, 1973. According to a recent Attorney General's Opinion, of which I have enclosed a copy, there must be one member of this Authority from Starr County. The previous member from Starr County was replaced by Mr. Verner of Cameron County, making three members from Cameron County and none from Starr County.

Should there be any questions regarding these appointments, please contact me by Tuesday, May 8, 1973.

Cordially,
MICHAEL D. MCKINNON, Chairman
Senate Sub-Committee on Nominations

SENATE BILLS AND RESOLUTION ON FIRST READING

By unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

By Senator Moore:
S.C.R. 91, Granting Ethel and Edith Cavitt permission to sue the State.
To Committee on Jurisprudence.

By Senator Clower:
S.B. 964, A bill to be entitled An Act relating to the percentage of crude protein and nitrogen in commercial feeds; amending Subsection (a), Section 5, Texas Commercial Feed Control Act of 1957 (Article 3881e, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Natural Resources.

By Senator Sherman:

S.B. 965, A bill to be entitled An Act relating to the appointment of the Board of Regents of West Texas State University; amending Section 102.11, Texas Education Code; and declaring an emergency.

To Committee on Education.

By Senator Ogg:

S.B. 966, A bill to be entitled An Act relating to the conduct and financing of primary elections held during the year 1974; the minimum number of registered voters in a voting precinct; the number of ballots furnished for each voting precinct; amending the following sections of the Texas Election Code, as amended: Paragraph (b), Section 12 (Article 2.04), and Section 64 (Article 6.09); and declaring an emergency.

To Committee on State Affairs.

By Senator Ogg:

S.B. 967, A bill to be entitled An Act relating to the recodification and substantive revision of the Texas Election Code, and appropriating funds therefor; and declaring an emergency.

To Committee on State Affairs.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House, were read the first time and referred to the Committees indicated:

H.B. 574, To Committee on State Affairs.
H.B. 617, To Committee on Jurisprudence.
H.C.R. 53, To Committee on Natural Resources.
H.C.R. 46, To Committee on Administration.
H.C.R. 60, To Committee on Administration.
H.C.R. 59, To Committee on Administration.
H.C.R. 74, To Committee on Human Resources.
H.C.R. 73, To Committee on Administration.
H.C.R. 76, To Committee on Human Resources.
H.C.R. 77, To Committee on Education.
H.C.R. 80, To Committee on Human Resources.
H.C.R. 82, To Committee on Administration.
H.C.R. 121, To Committee on Natural Resources.
H.C.R. 103, To Committee on Natural Resources.
H.C.R. 126, To Committee on Natural Resources.
H.C.R. 113, To Committee on Administration.

COMMITTEE SUBSTITUTE HOUSE BILL 340 ON THIRD READING

The President laid before the Senate on its third reading and final passage:

C.S.H.B. 340, A bill to be entitled An Act relating to the qualifications for taking the examination for admission to the State Bar of Texas; etc.; and declaring an emergency.

The bill was read third time.

Senator Moore offered the following amendment to the bill:

Amend Committee Substitute for H.B. 340 by adding a new subsection (b)

under Section 2 to read as follows:

"(b) Service as Judge of any court of record in the State of Texas for a period of ten (10) consecutive years, prior to making application to take the Bar examination, shall be considered equivalent to the prelegal study and training and study of the law required under Article 306, Revised Civil Statutes, 1925, as amended, as a prerequisite to taking the regular examination for license to practice law and may be substituted in lieu thereof, provided the applicant meets all requirements of the Supreme Court relative to moral character; and any person complying with the above is declared to be eligible to take such examination for license to practice law. In such cases thirty (30) days written notice of intention to take the Bar examination, directed and delivered to the Clerk of the Supreme Court of Texas, shall be sufficient notice. This subsection shall apply only to persons who were judges of courts of record in the State of Texas prior to January 1, 1974."

The amendment was read.

Senator Blanchard offered the following amendment to the amendment to the bill:

Amend Moore amendment to H.B. 340 by including the following language where applicable:

"or has served a minimum of 10 years in the legislature of Texas or as head of any state agency of the State of Texas".

The amendment to the amendment was read and failed of adoption by the following vote: Yeas 12, Nays 16, Present-Not voting 1.

Yeas: Andujar, Blanchard, Clower, Herring, Jones, McKinnon, McKnight, Meier, Moore, Snelson, Traeger and Wolff.

Nays: Adams, Aikin, Braecklein, Brooks, Creighton, Gammage, Harrington, Hightower, Kothmann, Mauzy, Mengden, Patman, Santiesteban, Schwartz, Sherman and Wallace.

Present-Not voting: Ogg.

Absent: Harris and Longoria.

Question on the adoption of the amendment by Senator Moore, the amendment was adopted by the following vote: Yeas 20, Nays 8, Present-Not voting 2.

Yeas: Adams, Aikin, Andujar, Blanchard, Brooks, Clower, Creighton, Harrington, Herring, Hightower, Jones, Kothmann, McKinnon, McKnight, Moore, Santiesteban, Schwartz, Sherman, Snelson and Traeger.

Nays: Braecklein, Harris, Mauzy, Meier, Mengden, Patman, Wallace and Wolff.

Present-Not voting: Gammage and Ogg.

Absent: Longoria.

Senator Snelson offered the following amendment to the bill:

Amend C.S.H.B. 340 by adding a new subsection (c) under Section 2 to read as follows:

"Any person who qualified to take the regular examination for license to practice law prior to 1933 and took the examination prior to 1933 and was eligible to retake the examination at that time and has completed three years of study of the law in a lawyer's office subsequent to January 1, 1969, and has submitted the required declaration of intention to study law to the Supreme Court of Texas may substitute the three years of study of the law in a lawyer's office for the prelegal study and training and study of the law required under Article 306, Revised Civil Statutes of Texas, 1925, as amended, as a prerequisite to taking the regular examination for license to practice law, provided the applicant meets all requirements of the Supreme Court relative to moral character and provided the examination is taken prior to January 1, 1975."

The amendment was read and failed of adoption by the following vote: (Not receiving four-fifths vote of the Members present) Yeas 18, Nays 10, Present-Not voting 2.

Yeas: Aikin, Andujar, Blanchard, Clower, Harrington, Harris, Hightower, Jones, McKinnon, McKnight, Moore, Ogg, Patman, Schwartz, Sherman, Snelson, Traeger and Wallace.

Nays: Adams, Braecklein, Brooks, Creighton, Herring, Kothmann, Mauzy, Meier, Santiesteban and Wolff.

Present-Not voting: Gammage and Mengden.

Absent: Longoria.

On motion of Senator Gammage and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was passed by the following vote: Yeas 17, Nays 12, Present-Not Voting 1.

Yeas: Adams, Aikin, Brooks, Gammage, Harrington, Harris, Hightower, Kothmann, McKnight, Mengden, Moore, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Wallace.

Nays: Andujar, Blanchard, Braecklein, Clower, Creighton, Herring, Jones, Mauzy, McKinnon, Meier, Patman and Wolff.

Present-Not voting: Ogg.

Absent: Longoria.

HOUSE BILL 147 ON SECOND READING

The President laid before the Senate on its second reading and passage to third reading:

H.B. 147, A bill to be entitled An Act authorizing and providing for supplemental aid programs for adult education where provided by public educational agencies toward the education and training of certain persons not having a high school education or the educational prerequisites for developing a salable skill; etc.; and declaring an emergency.

The bill was read second time and was passed to third reading.

HOUSE BILL 147 ON THIRD READING

Senator Brooks moved that Senate Rule 68 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H.B. 147 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent: Longoria.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

CO-AUTHORS OF SENATE BILL 210

On motion of Senator Brooks and by unanimous consent, Senators Wolff and Ogg will be shown as Co-authors of S.B. 210.

CO-AUTHOR OF SENATE JOINT RESOLUTION 34

On motion of Senator Mauzy and by unanimous consent, Senator Ogg will be shown as Co-author of S.J.R. 34.

CO-AUTHOR OF SENATE BILL 796

On motion of Senator Mauzy and by unanimous consent, Senator Ogg will be shown as Co-author of S.B. 796.

**COMMITTEE SUBSTITUTE HOUSE BILL 139
ORDERED NOT PRINTED**

On motion of Senator Aikin and by unanimous consent C.S.H.B. 139 was ordered not printed.

HOUSE BILL 260 ON SECOND READING

The President laid before the Senate on its second reading and passage to third reading:

H.B. 260, A bill to be entitled An Act relating to the conservation, management, protection, propagation, sale, and use of nongame fish and wildlife species; the classification of certain fish and wildlife as endangered species, and the protection, propagation, sale, and use of endangered species and products of endangered species; providing penalties for violations; and declaring an emergency.

The bill was read second time.

Question, Shall H.B. 260 be passed to third reading?

HOUSE CONCURRENT RESOLUTION 16 ON SECOND READING

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H.C.R. 16, Creating a joint interim study committee on surface mining operations.

The resolution was read and was adopted.

**COMMITTEE SUBSTITUTE HOUSE BILL 417
ON SECOND READING**

Senator Mauzy asked unanimous consent to suspend the regular order of business and take up C.S.H.B. 417 for consideration at this time.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and take up C.S.H.B. 417 for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Adams, Andujar, Blanchard, Braecklein, Brooks, Clower, Gammage, Harrington, Herring, Hightower, Kothmann, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Aikin, Creighton, Harris, Jones, McKnight and Moore.

The President laid before the Senate on its second reading and passage to third reading:

C.S.H.B. 417, A bill to be entitled An Act relating to the definition and regulation of deceptive and unlawful trade practices, advertising or acts including unlawful competition, acts or practices of insurers, and protection of consumers; providing administrative and judicial remedies and procedures for carrying out the Act; providing civil penalties for violations; prescribing the extent of the applicability of the Act; providing for class actions; amending Chapter 17, Business and Commerce Code, as amended, by adding Subchapter E; repealing Chapter 10, Title 79, Revised Civil Statutes of Texas, 1925, as amended (Articles 5069-10.01 et seq., Vernon's Texas Civil Statutes); amending Sections 13 and 7, Article 21.21, Insurance Code, as amended, and adding new Sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24; and declaring an emergency.

The bill was read second time and was passed to third reading by the following vote: Yeas 23, Nays 8.

Yeas: Adams, Braecklein, Brooks, Clower, Gammage, Harrington, Herring, Hightower, Kothmann, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Aikin, Andujar, Blanchard, Creighton, Harris, Jones, McKnight and Moore.

HOUSE BILL 260 ON SECOND READING

The Senate resumed consideration of the pending business, same being H.B. 260 on its second reading and passage to third reading.

Question, Shall H.B. 260 be passed to third reading?

The bill was passed to third reading.

HOUSE BILL 260 ON THIRD READING

Senator Mengden moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 260 be place on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Adams, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Aikin and Patman.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senator Patman and Aikin asked to be recorded as voting "Nay" on the final passage of the bill.

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Friday, May 4, 1973

S.B. 237 - Senator Harris
C.S.S.B. 456 - Senator Jones
S.B. 691 - Senator Harris
S.B. 801 - Senator Snelson
C.S.S.B. 819 - Senator Wolff
C.S.S.B. 891 - Senator Jones
C.S.S.B. 899 - Senator Herring
C.S.S.B. 904 - Senator Moore
C.S.S.B. 925 - Senator Moore
S.B. 948 - Senator Aikin
H.B. 80 - Senator Wallace
H.B. 81 - Senator Wallace
H.B. 130 - Senator Sherman
C.S.H.B. 139 - Senator Aikin
H.B. 181 - Senator Patman
C.S.H.B. 417 - Senator Mauzy
H.B. 596 - Senator Snelson
H.B. 607 - Senator Traeger
H.B. 628 - Senator Traeger

MEMORIAL RESOLUTIONS

S.C.R. 92 - By Senator Herring: Memorial resolution for Miss Octavia F. Rogan.

S.R. 686 - By Senator Adams: Memorial resolution for Francis I. Tucker.

S.R. 689 - By Senator Snelson: Memorial resolution for J. W. "Wilse" Owens.

S.R. 690 - By Senator Snelson: Memorial resolution for Mrs. Dean Chenoweth.

S.R. 691 - By Senator Snelson: Memorial resolution for Daniel Rodriquez.

S.R. 692 - By Senator Mengden: Memorial resolution for Sue Ann Baker Kelly.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 685 - By Senator Adams: Extending congratulations to Miss Helen Colston.

S.R. 687 - By Senator Adams: Extending congratulations to George Orr.

S.R. 688 - By Senator Moore: Extending congratulations to Charles B. Fadell.

S.R. 693 - By Senator Ogg: Extending welcome to Helen Bales, Mrs. H. H. Ellis and Deborah Bales.

S.R. 694 - By Senator Clower: Extending congratulations to Kay Johnston.

S.R. 695 - By Senator Clower: Extending congratulations to Charles Cannon, Jr.

S.R. 696 - By Senator Schwartz: Extending welcome to Marvin Jacobs.

S.R. 697 - By Senator Clower: Extending welcome to Judge Robert Dunn, et al.

ADJOURNMENT

On motion of Senator Aikin the Senate at 11:55 o'clock a.m., adjourned until 10:30 o'clock a.m. tomorrow.